REMARKS

Claims 1-18, 20-21 and 24-34 are pending in the present application, with claims 1, 5, 8, 10-12, 14, 17 and 18 having been amended and claims 24-34 having been added. Claim 19 was previously cancelled without prejudice and disclaimer and claims 22 and 23 were not elected in the present application pursuant to a Restriction Requirement.

The undersigned attorney would like to again thank the Examiner for his time during the October 3, 2003 telephone interview. During the interview, Applicants discussed U.S. Pat. No. 6,532,837 ("Magussen, Jr. et al.") and the present application. Applicants pointed out that except for the embodiment illustrated in Fig. 8 of Magnussen, Jr. et al., Magnussen, Jr. et al. teaches "[d]uring [the] mounting step, tip proximal end 41a engages extension collar to move ejector 67 upwardly relative to housing 52 from the first or lower position of ejector 67 ... to the second or upper position of the ejector" Col. 8., lines 4-8. Applicants also pointed out that the tip proximal end 41a remains in contact with the distal end portion 69b of ejector 67 when ejector 67 is engaged in the upper position, as can be seen in the Figures.

As for the embodiment described and illustrated in Fig. 8, Applicants stated during the interview that Magussen, Jr. et al. teaches that "[t]he force for mounting tip 41 to pipette 126 ... is less than the mounting force required in pipette 51 because eject spring 151 is not compressed in this mounting step of pipette 126. Extension 134 of the ejector 132 is sized so that extension collar 134b is spaced above the proximal end 41a of the pipette tip when the tip is press fit or otherwise suitably secured to the pipette" and thereby creates a "separation or acceleration gap". Col. 10, line 66 to col. 11, line 6. Furthermore, Applicants noted that Magussen, Jr. et al. teaches that shaft 52b remains stationary in each embodiment.

Claims 5, 8, 10-13 and 17-18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that claims 5, 8, 10-12 and 17-18 have been amended to address the rejections. As for claim 13, Applicants respectfully traverse this rejection as claim 13 further defines "said operator perceptable feedback output" to be "at least one of an audible output and a tactile output". Accordingly, Applicants respectfully request these rejections be withdrawn.

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Claims 1, 2, 7-10, 12-16, 18 and 20-21 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6, 532,837 ("Magussen, Jr. et al."). For at least the reasons set forth below, Applicants respectfully submit that independent claims 1, 14 and 18 are not anticipated by Magussen, Jr. et al.

Applicants respectfully submit that Magussen, Jr. et al. does not teach at least the following:

- "a spring loaded nozzle to which the tip may be removably mounted", as recited in amended claim 1; and
- "a nozzle operable for moving as said tip is mounted to said nozzle" as recited in amended claim 14.

Rather, Magussen, Jr. et al. teaches that its nozzle, i.e., shaft 52b, remains stationary in each embodiment.

Accordingly, Applicants respectfully request that the rejection of amended independent claims 1 and 14 be withdrawn.

Claims 2, 7-10, 12 and 13 depend from and further limit claim 1, and claims 15-16 depend from and further limit claim 14, and for at least the reasons stated above in connection with claims 1 and 14, respectively, are believed to not be anticipated by Magussen, Jr. et al.

Applicants respectfully traverse the rejection of independent claim 18 as being anticipated by Magussen, Jr. et al. Magussen, Jr. et al. is devoid of any teaching, or even suggestion of "a latching mechanism ... operative for generating an operator detectable output", as recited in amended claim 18. Applicants also respectfully traverse the rejection of dependent claims 12 and 13 because Magussen, Jr. et al. lacks a teaching or suggestion of an "operator perceptible feedback output", as recited in amended claims 12 and 13.

Accordingly, Applicants respectfully request that the rejection of amended independent claim 18 be withdrawn. Further, Applicants respectfully request that the rejection of dependent claims 12 and 13 be withdrawn.

Claims 20-21 depend from and further limit claim 18 and for at least the reasons stated above in connection with claim 18 are believed to not be anticipated by Magussen, Jr. et al.

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Applicants also respectfully point out that dependent claims 11 and 17 were only rejected under 35 U.S.C. 112, second paragraph. Hence, Applicants respectfully request that because these claims have been amended to address that rejection, claims 11 and 17 are allowable.

Additionally, Applicants have added new claims 28-34 to further define the scope of the present application and believe these claims are also allowable for at least the reasons enumerated herein.

Allowable Subject Matter

In the Office Action, claims 3-6 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have rewritten claims 3-6 in independent form including all of the limitations of the respective base claim and any intervening claims. These rewritten claims are claims 24-27, respectively.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. The claims, in view of the foregoing explanation, are believed to be patentable over the cited art, and a favorable Office Action is hereby earnestly solicited.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Examiner is requested to telephone the number provided below.

Respectfully submitted,

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